

REMARKS

A. The 35 U.S.C. § 112 Rejections

The Applicants wish to thank the Examiner for withdrawing the §112 rejections of claims 5 and 7.

B. Claim Indicated As Allowable

The Applicants also wish to thank the Examiner for indicating that claim 5 would be allowable if it was written in independent form to include all of the features of any intervening claim. However, the Applicants submit that claim 5 is allowable in its present form for at least the reasons set forth below.

C. The 35 U.S.C. § 103 Rejections

Claims 1-4 and 6-14 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Suzuki's U.S. Patent No. 6,289,096 B1 ("Suzuki") in view of Callon's U.S. Patent No. 6,256,295 B1 ("Callon"). The Applicants respectfully disagree and traverse these rejections for at least the reasons detailed below.

Each of the claims of the present invention (in different forms) include the feature of selecting a link resource from resources that have been released, where the link resource is used to connect a node to a neighboring node without contention.

As the Applicants presently understand the Examiner's position, the Examiner has not given any patentable weight to this element of the claims because a previous version of the claims expressed this feature as a part of a "whereby" clause. Setting aside the Applicants' position that the whereby clause should have been given patentable weight because it contains a condition that is material to patentability, the Applicants have revised the claims to more particularly point out the claimed selection feature.

Accordingly, the Applicants respectfully request that the Examiner reconsider her positions after giving the selection feature patentable weight. When this feature is given patentable weight it can be seen that Suzuki does not disclose or suggest this feature

because Suzuki does not select a link resource. Rather, as explained in Applicants' previous response (and incorporated herein) Suzuki appears to disclose the selection of a link cost.

Turning to Callon, the Examiner initially acknowledges that Suzuki does not disclose the feature of "at least one predefined sequence [resulting] from a negotiation with the neighboring node prior to receipt of [a connection] request." To make up for this deficiency the Examiner relies upon Callon.

Initially, the Applicants note that Callon does not make up for the deficiency of Suzuki discussed above by the Applicants. Thus, for this reason the subject matter of claim 1-4 and 6-14 would not have been obvious to one skilled in the art at the time the present application was filed upon reading the combined disclosures of Suzuki and Callon.

Yet further, the Applicants believe that Callon does not disclose the feature of "at least one predefined sequence [resulting] from a negotiation with the neighboring node prior to receipt of [a connection] request." As explained in the Applicants previous response, Callon appears to disclose a method for determining a plurality of non-overlapping or "minimally" overlapping paths between a source node and a destination node. However, this process does not identify a "***link resource***" between ***two adjacent nodes*** participating in a negotiation that could later be used for providing contention free communication between the two nodes.

Accordingly, the Applicants maintain that Callon does not remedy the deficiencies of Suzuki and further that the proposed combination of Suzuki and Callon is not sufficient to teach or suggest the inventions as recited in the pending claims.

Yet further, the Applicants reiterate their earlier position that one of ordinary skill in the art would understand that both Suzuki and Callon are directed to methods of ***selecting the next node in a multi-node path*** rather than a selection of link resources from those that have been released associated with transmissions ***between adjacent nodes***. The Applicants submit, therefore, that the applied references, whether considered singly or in combination, cannot fairly be said to teach or suggest the methods and apparatus as

recited in independent claims 1, 6 and 8. As each of the remaining claims depend either directly or indirectly from one of these independent claims, the Applicants contend that each of the dependent claims is equally allowable over the applied references.

The Applicants respectfully request, therefore, that these rejections be withdrawn.

D. Entry of Amendment After Final

Entry of this Amendment After Final (“AAF”) is solicited because the AAF: (a) places the application in condition for allowance for the reasons discussed herein; (b) does not raise any new issues requiring further search and/or consideration; (c) does not present any additional claims without canceling the corresponding number of finally rejected claims; and (d) places the application in better form for appeal, if an appeal is necessary.

CONCLUSION

In view of the above remarks and amendments, the Applicants respectfully submit that each of the pending objections and rejections have been addressed and overcome, leaving the present application in condition for allowance. A notice to that effect is respectfully requested.

If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to contact the undersigned.

Although no fees are believed to be due with this filing, if necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge any underpayment or non-payment of any fees required under 37 C.F.R. §§ 1.16 or 1.17, or credit any overpayment of such fees, to Deposit Account No. 50-3777, including, in particular, extension of time fees.

Respectfully submitted,

CAPITOL PATENT & TRADEMARK LAW FIRM, PLLC

By: /John E. Curtin/
John E. Curtin
Reg. No. 37,602

P.O. Box 1995
Vienna, VA 22183
(703) 266-3330